

March 1, 2020

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N.C. House of Representatives  
300 N. Salisbury Street, Room 528  
Raleigh, NC 27603

Representative Ted Davis  
N.C. House of Representatives  
300 N. Salisbury Street, Room 417B  
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Senator Warren Daniel  
N.C. Senate  
300 N. Salisbury Street, Room 627  
Raleigh, NC 27603

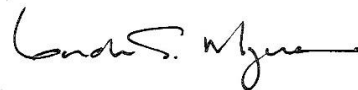
Members:

The 2015 General Assembly directed the North Carolina Wildlife Resources Commission (WRC) to report to the Joint Legislative Oversight Committee on Justice and Public Safety on the number of complaints received against Commission law enforcement officers, the subject matter of the complaints, and the geographic areas in which the complaints were filed. The citizens of North Carolina have long relied on Wildlife Officers to safeguard our natural resources and protect the outdoor enthusiasts who enjoy them, through enforcement of fish and game laws. Wildlife Officers are held to a high standard and provide a valuable service to the citizens of North Carolina. Over the years, many men and women in North Carolina have enjoyed a career serving the citizens of North Carolina as a Wildlife Law Enforcement Officer (WLEO). Currently, 218 Wildlife Officers protect and serve in this capacity across the state. Each of these individuals represents a commitment and dedication to wildlife protection and conservation.

I am submitting this report in fulfillment of the requirements of Section 35.(b) of Session Law 2015-263. As directed in statute, this report provides the subject matter on each complaint filed against Wildlife Law Enforcement Officers along with geographic areas in which the complaints were filed for the year of 2019.

If you have questions or need additional information, please contact me by phone at (919) 707-0151 or via email at [gordon.myers@ncwildlife.org](mailto:gordon.myers@ncwildlife.org).

Respectfully,



Gordon Myers  
Executive Director  
NC Wildlife Resources Commission



**Wildlife Law Enforcement Public Complaint Review**

**March 1, 2020**

## **Executive Summary**

Since the North Carolina Wildlife Resources Commission was created by the General Assembly in 1947, the agency has been dedicated to the conservation and management of fish and wildlife for the benefit of citizens and sportsmen, and for future generations. Policies and programs are based on scientifically sound resource management, assessment and monitoring, applied research, and public input. Our mission statement is “to conserve wildlife resources and their habitats and provide programs and opportunities that allow hunters, anglers, boaters and other outdoor enthusiasts to enjoy wildlife-associated recreation.”

The North Carolina Wildlife Resources Commission’s Law Enforcement Division is charged with enforcing the game, fish, and boating laws of North Carolina as established by the N.C. General Assembly, §113-136. Wildlife Officers are state law enforcement personnel with arrest authority for state and federal violations. Wildlife Officers enforce the game, fish and boating laws to protect the natural resources of the state and the safety of its citizens. In addition, they are authorized to arrest for any criminal offense committed in their presence.

The policy of the Wildlife Commission is to acknowledge and investigate allegations of misconduct or improper job performance to maintain accountability to the officer and the citizens of North Carolina. From January 1, 2019 through December 31, 2019, wildlife enforcement officers contacted 102,030 sportsmen engaged in boating, fishing, hunting, and trapping activities. In addition, wildlife enforcement officers may also be contacted by the public while on patrol, during search and rescue operations, or while teaching educational programs. All interactions resulted in the filing of 5 complaints by members of the public.

## **Statute Requirements**

### **Session Law 2015-283 Section 35.(b)**

The Wildlife Resources Commission shall report to the Joint Legislative Oversight Committee on Justice and Public Safety no later than March 1, 2016, and annually thereafter, on the number of complaints received against Commission law enforcement officers, the subject matter of the complaints, and the geographic areas in which the complaints were filed.

## **Regulatory Authority**

Wildlife officers have regulatory enforcement granted by N.C.G.S. §113-136. Which include enforcement responsibilities for hunting, trapping and inland fishing in the state. Wildlife officers investigate all hunting accidents and publish an annual hunting related accident report. North Carolina hunting and trapping laws apply to all lands, public or private. Wildlife officers have authority to patrol all open fields and woodlands, including more than 2 million acres of North Carolina public game lands, to ensure compliance with state and federal fish and game laws.

§ 113-136. Enforcement authority of inspectors and protectors; refusal to obey or allow inspection by inspectors and protectors.

(a) Inspectors and protectors are granted the powers of peace officers anywhere in this State, and beyond its boundaries to the extent provided by law, in enforcing all matters within their respective subject-matter jurisdiction as set out in this section. (b) The jurisdiction of inspectors extends to all matters within the jurisdiction of the Department set out in this Subchapter, Part 5D of Article 7 of Chapter 143B of the General Statutes, Article 5 of Chapter 76 of the General Statutes, and Article 2 of Chapter 77 of the General Statutes, and to all other matters within the jurisdiction of the Department which it directs inspectors to enforce. In addition, inspectors have jurisdiction over all offenses involving property of or leased to or managed by the Department in connection with the conservation of marine and estuarine resources. (c) The jurisdiction of protectors extends to all matters within the jurisdiction of the Wildlife Resources Commission, whether set out in this Chapter, Chapter 75A, Chapter 143, Chapter 143B, or elsewhere. The Wildlife Resources Commission is specifically granted jurisdiction over all aspects of:

- (1) Boating and water safety;
- (2) Hunting and trapping;
- (3) Fishing, exclusive of fishing under the jurisdiction of the Marine Fisheries Commission; and
- (4) Activities in woodlands and on inland waters governed by G.S. 106-908 to G.S. 106-910.

In addition, wildlife law enforcement officers have jurisdiction over all offenses involving property of or leased by the Wildlife Resources Commission or occurring on wildlife refuges, game lands, or boating and fishing access areas managed by the Wildlife Resources Commission. The authority of protectors over offenses on public hunting grounds is governed by the jurisdiction granted the Commission in G.S. 113-264(c)

Wildlife officers are charged with enforcing the boating laws and regulations on the waters of the state. The primary objective of boating enforcement is safety. Wildlife officers have the authority to stop vessels for safety checks or violations, as authorized by N.C.G.S. §75A. Wildlife officers patrol over 5,000 square miles of inland streams, rivers, lakes and coastal waterways, 220 public boating access areas and conduct nationally recognized boating education courses. WLEO's conduct all boating accident investigations as well as publish an annual boating accident report. These officers enforce the Boating Safety Education Law, which requires anyone younger than 26 operating a vessel powered by 10 hp or greater motor on public waterways to have successfully completed an approved boating safety education course or otherwise be in compliance.

#### § 75A-1. Declaration of policy.

It is the policy of this State to promote safety for persons and property in and connected with the use, operation, and equipment of vessels, and to promote uniformity of laws relating thereto. (1959, c. 1064, s. 1.) (a) Every wildlife protector and every other law-enforcement officer of this State and its subdivisions shall have the authority to enforce the provisions of this Chapter and in the exercise thereof shall have authority to stop any vessel subject to this Chapter. Wildlife protectors or other law enforcement officers of this State, after having identified themselves as law enforcement officers, shall have authority to board and inspect any vessel subject to this Chapter.

#### **Investigation Policy**

The policy of the Wildlife Resources Commission (WRC) is to acknowledge and investigate allegations of misconduct or improper job performance, in a manner that assures the community of prompt, corrective action when WRC employees conduct themselves improperly. All comments or complaints

regarding employees, policies or procedures of the WRC shall be documented and investigated to the fullest extent possible.

The purpose of this policy is to establish guidelines and procedures for receiving, investigating and determining the disposition of allegations of misconduct or other complaints made against WRC law enforcement officers. This policy will also serve to protect WLEO's from unjustified complaints as they carry out assigned duties.

### **Investigations**

Investigations are usually initiated in one of the following ways:

- A citizen complaint is received by our Raleigh office staff and the complaint is delegated to the supervisor;
- The supervisor receives a complaint directly from a citizen or another employee; or
- The supervisor observes the conduct or behavior that resulted in the complaint.

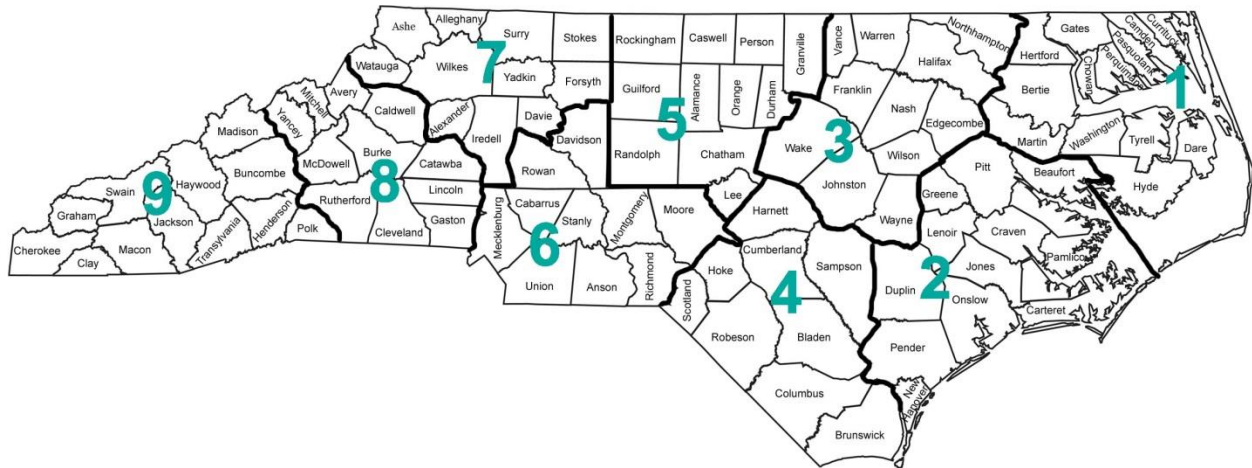
Upon becoming aware of or receiving notification of a complaint on a subordinate or employee under their control, a supervisor shall take corrective actions immediately if the complaint is justified. The supervisor's investigation shall be limited to questioning the subordinate, witnesses and complainants, and securing all relevant evidence. The supervisor will keep the complainant informed of the status of the investigation when applicable. Supervisory investigations will be completed within seven (7) days of the assignment. Extensions may be granted by the manager, as necessary. Upon completion of the investigation, the supervisor shall forward a report of the alleged violation, all documents and evidence relating to the investigation and recommendations for further investigation or other disposition of the case to their manager. The manager will then forward the documents to the Division Chief or designee.

The Division Chief or designee shall review the report and supporting documents, and shall make final determination for the case, and, in the case of termination, make recommendations to the Executive Director, as follows:

- Sustained - Allegation is true, and action taken was inconsistent with policy.
- Not Sustained - There is insufficient evidence to confirm or to refute the allegation.
- Sustained Other – Sustaining of violation or misconduct other than the allegations of the original complaint.
- Exonerated - Allegation is true, but action taken was consistent with policy and normal procedures.
- Unfounded - Allegation is demonstrably false, or there is no credible evidence for support;
- Policy Failure – Allegation is true, but action was consistent with current policy and procedures. Investigation indicates a need to modify or change policies or procedures.

### **Professional Standards**

In order to fulfill the intent of Session Law 2015-283 Section 35. (b), the Law Enforcement Division developed a system to track, document, and maintain WLEO complaints and commendations. The Law Enforcement Division created a Professional Standards position to acknowledge and investigate public allegations of misconduct or unprofessional performance against WLEO's. Additionally, the Professional Standards Officer will document and maintain each complaint in regard to a WLEO.



**Wildlife Enforcement Officer Complaints**

<b>Geographic Location</b>	<b>Subject Matter of the Complaint</b>
District 2	April 7, 2019, allegations were made that a Wildlife Officer became verbally aggressive and unprofessional during a vehicle stop. Internal investigations could not substantiate unprofessional or aggressive behavior. This allegation was determined to be <b>Not Sustained</b> .
District 9	May 21, 2019, allegations were made that a Wildlife Officer racially profiled an individual during a fishing license inspection. The complainant asserted the Wildlife Officer passed multiple white individuals immediately prior to the situation in question. Internal investigations into this allegation indicated the Wildlife Officer openly approached the complainant while engaged in a regulated activity. Photographic evidence indicated a clear violation of the law. After issuing a citation, the officer then inspected the licenses and gear of individuals engaged in a regulated activity in the vicinity. Internal investigations found no credible evidence to support the allegation of racial profiling and the allegation was determined to be <b>Unfounded</b> .
District 5	July 7, 2019, allegations were made that Wildlife Officers endangered the safety of two minors while conducting a routine vessel inspection. The complainant alleged the Officers detained the minors in open water during a period of severe weather. Internal investigations into this allegation proved the weather system was not in the immediate vicinity during the vessel inspection. As a result, the allegations were determined to be <b>Unfounded</b> .

District 2

August 3, 2019, allegations were made that two Wildlife Officers racially profiled and improperly cited an individual for no navigational lights. Internal investigations indicated the Wildlife Officers were conducting routine nighttime activities and contacted the complainant as the complainant approached the shore without navigational lights. The Wildlife Officers were not able to determine the race the complainant until after contact was made. Internal investigations determined the allegation of racial profiling to be **Unfounded**. As navigational lights are not required for a boat with a motor under 10 hp, the investigation into the improper citation was **Sustained**. The citation was dismissed.

District 7

November 17, 2019, allegations were made that a Wildlife Officer used inappropriate language while off-duty. Internal investigations indicated the officer was involved in an off-duty verbal confrontation with a neighboring landowner. The Wildlife Officer acknowledged the confrontation, using inappropriate language. As a result, the allegation was determined to be **Sustained**.